

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-4372

JAMES D. SCHNELLER, HEIRS AND BENEFICIARIES OF
MARJORIE C. SCHNELLER, BY JAMES D. SCHNELLER,
TRUSTEE AD LITEM; ESTATE OF MARJORIE SCHNELLER, BY AND
THROUGH JAMES D. SCHNELLER, TRUSTEE AD LITEM;
MARJORIE ZITOMER, EXECUTRIX OF THE ESTATE OF MARJORIE
SCHNELLER; ESTATE OF GEORGE H. SCHNELLER, BY AND THROUGH
PERSONAL REPRESENTATIVE JAMES D. SCHNELLER

v.

PROSPECT PARK NURSING AND REHABILITATION CENTER,
ITS OWNERS AND EMPLOYEES; MARJORIE ZITOMER;
RICHARD SCHNELLER; T. SERGEANT PEPPER, ESQUIRE

James D. Schneller,

Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil No. 2-08-cv-05704)
District Judge: Honorable Lawrence F. Stengel

Submitted by the Clerk for Possible Dismissal for Lack of Jurisdiction
or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
February 25, 2010

Before: SLOVITER, AMBRO and SMITH, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District
Court for the Eastern District of Pennsylvania and was submitted by the Clerk for


possible dismissal for lack of jurisdiction or summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6 on February 25, 2010. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the appeal is dismissed in part for lack of jurisdiction and the order of the District Court entered September 9, 2009, be and the same is hereby affirmed. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

Dated: 8 March 2010


Certified as a true copy and issued in lieu
of a formal mandate on 20 April 2010

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit